

Notice of Allowability

Application No.

10/623,954

Examiner

Alton N. Pryor

Applicant(s)

MIHALIK, RICHARD

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 08/23/04.
2. ☐ The allowed claim(s) is/are 1-25.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. S. Bell on 10/27/04.

The application has been amended as follows:

The following amendments to the claims are what we agreed to in our telephone conversation earlier today:

1. (Currently Amended) A parasitocidal formulation, comprising:
a cestocidal agent, wherein said cestocidal agent is selected from the
group

consisting of pyrantel, morantel, and combinations thereof; and

an edible, non-aqueous liquid,

wherein said cestocidal agent is present in said formulation in an amount
equal to

or greater than about 17% w/w and wherein said formulation comprises no more than
about 10% w/w water.

2. (Original) The formulation of claim 1, wherein said cestocidal agent is
present in said formulation in an amount between about 17% and about 23% w/w.

3. (Original) The formulation of claim 2, wherein said cestocidal agent is
present in said formulation in an amount equal to or greater than about 19% w/w.

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4. (Original) The formulation of claim 3, wherein said cestocidal agent is present in said formulation in an amount equal to about 19% w/w.

5. (Original) The formulation of claim 2, wherein said cestocidal agent is present in said formulation in an amount equal to or greater than about 21% w/w.

6. (Original) The formulation of claim 5, wherein said cestocidal agent is present in said formulation in an amount equal to about 21% w/w.

7. (Original) The formulation of claim 1, wherein said cestocidal agent is present as a salt, and said salt is present in said formulation in an amount equal to or greater than about 50% w/w.

8. (Original) The formulation of claim 7, wherein said salt is present in said formulation in an amount between about 50% and about 70% w/w.

9. (Original) The formulation of claim 8, wherein said salt is present in said formulation in an amount between about 50% and about 65% w/w.

10. (Original) The formulation of claim 7, wherein said salt is present in said formulation in an amount equal to about 54% w/w.

11. (Original) The formulation of claim 7, wherein said salt is present in said formulation in an amount equal to about 62% w/w.

12. (Original) The formulation of claim 7, wherein said salt is selected from the group consisting of pyrantel pamoate, pyrantel tartrate and combinations thereof.

13. (Original) The formulation of claim 12, wherein said salt is pyrantel pamoate.

14. (Currently Amended) The formulation of claim 1, further comprising:

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~~an edible, non-aqueous liquid; and~~

a thickening agent.

15. (Original) The formulation of claim 14, further comprising:

an agent effective against nematodes and obligate parasitic flies selected

from the

group consisting of an avermectin, a milbemycin and combinations thereof.

16. (Original) The formulation of claim 1, further comprising:

a preservative.

17. (Original) The formulation of claim 1, wherein said formulation is a

paste.

18. (Original) The formulation of claim 17, wherein said formulation is a

paste for oral administration.

19. (Currently Amended) A parasitocidal formulation for oral

administration, comprising:

a cestocidal agent, wherein said cestocidal agent is selected from the

group consisting of salts of pyrantel and morantel and combinations thereof; and

an edible, non-aqueous liquid,

wherein said salt is present in said formulation in an amount equal to or

greater than 50% w/w and wherein said formulation comprises no more than about 10%

w/w water.

20. (Original) The formulation of claim 19, wherein said formulation is a

paste.

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21. (Currently Amended) The formulation of claim 20, wherein said formulation further comprises:

~~an edible, non-aqueous liquid; and~~

a thickening agent.

22. (Original) The formulation of claim 20, wherein said salt is pyrantel pamoate.

23. (Currently Amended) A parasiticide formulation, comprising:
a salt of pyrantel, wherein said salt is present in said formulation in an amount equal to or greater than 50% w/w; and

an edible, non-aqueous liquid,

wherein said formulation is a paste for oral administration and wherein said formulation comprises no more than about 10% w/w water.

24. (Currently Amended) A method of treating and preventing parasite infestations in animals, comprising:

providing a parasiticide formulation comprising a cestocidal ~~cestocidal~~ agent selected from the group consisting of pyrantel, morantel, and combinations thereof and an edible, non-aqueous liquid, wherein said cestocidal agent is present in said formulation in an amount equal to or greater than about 17% w/w and wherein said formulation comprises no more than about 10% w/w water; and

administering said formulation to said animal in a therapeutically effective amount.

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25. (Original) The method of claim 24, wherein said formulation is administered to equine to treat *Anoplocephala perfoliata* infestation.

The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest the instant invention comprising instant edible, nonaqueous liquid plus instant amounts of cestocidal agent and water.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton N. Pryor whose telephone number is 571-272-0621. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on 571-272-0887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alton Pryor
Primary Examiner
AU 1616